

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE CONTEMPT PROCEEDINGS  
AGAINST FREDERICK M. OBERLANDER  
AND RICHARD E. LERNER

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**ORDER**

12 MC 0557 (BMC)

BRIAN M. COGAN, United States District Judge:

WHEREAS a hearing in this matter was held on the record on June 30, 2015 during which the Court found “sufficient reason or good cause to make [a criminal] referral” of respondents Frederick M. Oberlander and Richard E. Lerner to the United States Attorney’s Office for the Eastern District of New York, for criminal contempt of court (June 30, 2015 Tr., at 15); and

WHEREAS the Court also stated as follows:

I will make another referral to the Eastern District of all allegations raised to date and I’m going to try to expand that referral prospectively, ... so that if there are any other alleged violations of the injunctions that are in place from either Judge Glasser or myself or from the Second Circuit or from any other judge relating to this matter, that will be within the purview of the referral. I am also going to urge the U.S. Attorney for the Eastern District to proceed with all due haste with this prosecution if there is going to be a prosecution because the matter has taken an intolerably long time ...

(June 30, 2015 Tr., at 14);

IT IS HEREBY ORDERED that:

(1) This matter is hereby referred to the United States Attorney’s Office for the Eastern District of New York, to institute criminal contempt proceedings against respondents Frederick M. Oberlander and Richard E. Lerner, both attorneys, under Federal Rule of Criminal Procedure 42;

(2) The Clerk of the Court is directed promptly to serve a copy of this order on the United States Attorney or his designee, and to notify the Court upon completion of service; and

(3) The Clerk is further ordered promptly to forward the following documents to the United States Attorney's Office:

(a) Docket report in this matter, 12 MC 557 (BMC), which the Court unsealed, along with all underlying documents, to case participants, by order dated September 4, 2012 (ECF No. 42);

(b) Transcript of proceedings in *United States v. John Doe*, 98 CR 1101 (ILG) on February 27, 2012, before Judge Brian M. Cogan;

(c) Transcript of proceedings in *United States v. John Doe*, 98 CR 1101 (ILG) on March 5, 2012, before Judge Brian M. Cogan;

(d) Letter concerning update and history of civil contempt by John Doe, dated October 23, 2014 (ECF No. 96);

(e) Sealed motion for order to show cause by John Doe, dated March 20, 2015, with attachments 1-26 (ECF No. 97);

(f) Sealed order to show cause, ordered by Judge Brian M. Cogan on April 1, 2015 (ECF No. 98);

(g) Memorandum in opposition to order to show cause by respondent Richard E. Lerner, dated June 23, 2015 (ECF No. 110);

(h) Memorandum in opposition to order to show cause by respondent Frederick M. Oberlander, dated June 23, 2015 (ECF No. 111); and

(i) Affidavit/Declaration of Robert S. Wolf in support of order to show cause, dated June 29, 2015, with attachments 1-16 (ECF No. 112).

SO ORDERED.

Dated: July \_\_, 2015  
Brooklyn, New York

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BRIAN M. COGAN  
U.S. DISTRICT JUDGE